

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

APPLE, INC.,  
AMERICAN AIRLINES, INC.,  
BLOOMBERG, L.P.,  
CONTINENTAL AIRLINES, INC.,  
UNITED PARCEL SERVICE, INC.,

Defendants.

CASE NO. 6:08-cv-447

**JURY TRIAL DEMANDED**

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE ITS SECOND  
AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff, EMG Technology, LLC ("EMG"), hereby requests leave of the Court to file its Second Amended Complaint, a copy of which is attached hereto as Exhibit 1.

There have been no responsive pleadings filed in this matter. This Motion will not result in prejudice to any party or to the Court and is not pursued for purposes of delay.

Wherefore, premises considered, Plaintiff EMG Technology, LLC, respectfully requests the Court grant Plaintiff leave to file its Second Amended Complaint.

DATED: January 28, 2009

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served this 28<sup>th</sup> day of January, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Charles Ainsworth  
CHARLES AINSWORTH

### **CERTIFICATE OF CONFERENCE**

I certify that on this 28<sup>rd</sup> day of January, 2009, Plaintiff has not been served with any responsive pleadings in this matter. Therefore, counsel for Plaintiff is unable to meet and confer regarding the relief requested in this motion

/s/ Charles Ainsworth  
Charles Ainsworth